

**Council Introduction Draft**  
**SHOWING CHANGES FROM CURRENT**  
**May 18, 2010**  
**NEW LANGUAGE IN UNDERLINING**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF  
THE CITY OF SANTA BARBARA  
AMENDING TITLE THREE OF THE  
SANTA BARBARA MUNICIPAL CODE TO  
REVISE SECTION 3.16.073 OF  
CHAPTER 3.16 PERTAINING TO THE  
EMPLOYMENT BY THE CITY OF  
DOMESTIC PARTNERSHIPS IN THE  
SAME CITY DEPARTMENT OR  
DIVISION.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES  
ORDAIN AS FOLLOWS:

**SECTION ONE:** Chapter 3.16 of Title Three of the Santa  
Barbara Municipal Code is hereby amended by revising  
Section 3.16.073 to read as follows:

**Section 3.16.073      Employee Selection.**

A.     **EMPLOYMENT OF SPOUSE, REGISTERED DOMESTIC**  
**PARTNER, AND RELATIVES.** An employment decision shall not  
be based on whether an individual has a spouse, registered  
domestic partner, or relative presently employed by the  
City except in accordance with City Charter Section 710 and  
the following criteria:

1. For business reasons of supervision, safety,  
security, or morale, the City Administrator, after  
consulting with the Personnel Officer and the  
department head, may refuse to place a spouse,   
registered domestic partner, or relative under the  
direct supervision of the other spouse, registered  
domestic partner, or a relative.

2. For business reasons of supervision, safety,  
security or morale, the City Administrator, after  
consulting with the Personnel Officer and the  
department head, may refuse to place both spouses,   
both registered domestic partners, - or the ~~two~~  
~~relatives~~ in the same department, division or  
facility if the work involves potential conflicts of

interest or other hazards greater for married couples, registered domestic partners, ~~—(or relatives)—~~ than for other persons.

**B. ACCOMMODATIONS FOR CITY EMPLOYEES WHO MARRY OR WHO REGISTER AS DOMESTIC PARTNERS.** If two (2) City employees marry or register as domestic partners, the City Administrator shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If the City Administrator is unable to make an acceptable accommodation which sufficiently minimizes the problems of supervision, safety, security or morale, it may require the two City employees who have married or who have registered as domestic partners to decide which one of the ~~spouses—them~~ will resign from City employment within 60 days of being notified of the City Administrator's inability to make a reasonable accommodation.

**C. Registered Domestic Partners - Defined.** For the purposes of this section, a "registered domestic partner" shall refer to domestic partners who have registered in any of the following ways:

1. with the Santa Barbara City Clerk's Office pursuant to Chapter 9.135 of the Santa Barbara Municipal Code;
2. with the state of California Secretary of State office as the term is defined in state Family Code section 297; or
3. with another municipal, county, or state domestic partner registry authorized and maintained by a governmental entity within the United States.

**D. Charter Section 710 and Nepotism.** For the purposes of City Charter Section 710, use of the term "marriage" shall include those persons who are registered domestic partners as defined and used in this section 3.16.073.